

HOME (POLICE) DEPARTMENT

The 19th March, 1975

No. 3291/A(1).—In exercise of the powers conferred by section 40 of the Punjab Laws Act, 1872, the Governor of Haryana hereby confers upon the following A.C.I.Os.—II, within the limits of the Haryana State, the powers which may be exercised by a Police Officer under the Police Act V of 1861 from the dates they report for duty in the districts noted below against the names of each cadet, till time they complete their training in the State of Haryana :

- | | |
|-----------------------------|----------------|
| 1. Shri Brij Mohan Verma | .. Karnal |
| 2. Shri Krishna Avtar Yadav | .. Hissar |
| 3. Shri Manohar Dave | .. Gurgaon |
| 4. Shri Ganga Ram | .. Rohtak |
| 5. Shri Laxman Singh Panwar | .. Kurukshetra |
| 6. Shri Rattan Lal Meena | .. Ambala |

S. D. BHAMBRI, Secy.

The 14th March, 1975

No. 3555/B(SA)L.P.R.—The Governor of Haryana was pleased to grant L. P. R. from 8th February, 1975 to 31st July, 1975 to Shri Iqbal Singh Officiating Deputy Superintendent of Police No. PR/136, 4th H.A.P. Bn. Madhuban (Karnal) under role 8.116 of C.S.R. Volume 1, Part I.

Had he not proceeded on leave, he would have continued to officiate as Deputy Superintendent of Police.

On the expiry of his leave, he will retire from service on attaining the age of superannuation with effect from 1st August, 1975 (forenoon).

The 17th March, 1975

No. 3582/B(SA) Leave.—The Governor of Haryana was pleased to grant Earned leave from 9th December, 1974 to 18th December, 1974 with permission to prefix 7th December, 1974 and 8th December, 1974 (gazetted holidays) to Shri Kundan Lal Officiating Deputy Superintendent of Police, CID, Research Centre Haryana, Chandigarh under rule 8.116 of C.S.R. Volume I, Part I.

Had he not proceeded on leave, he would have continued to officiate as Deputy Superintendent of Police.

On the expiry of his leave, he assumed the charge of his duties at the same post and place on the forenoon of 19th December, 1974.

No. 3635/B/(SA) Posting.—The Governor of Haryana was pleased to transfer Shri B. R. Lall, I.P.S., Assistant Inspector-General of Police Technical and Training, Haryana, Chandigarh and to post him as Assistant Inspector General of Police, Haryana, Chandigarh, where he assumed the charge of his duties on the forenoon of 17th March, 1975.

K. R. SINGH, Jt. Secy.

FINANCE (LOTTERIES) DEPARTMENT

The 12th March, 1975

No. DOL/HR/75/3628.—The Governor of Haryana is pleased to make the following Rules for the conduct of Mini Draws of the Haryana State Lotteries during the currency of the 64th Draw, namely :—

1. The Rules may be called the Rules for the conduct of Mini Draws during the currency of the 64th Draw of Haryana State Lotteries.
2. There shall be two Mini Draws of Haryana State Lotteries on Wednesday, the 19th March, 1975 and the 26th March, 1975 with the following prizes :—

1st Prize (1)	Rs. 4,000 in cash or Television Set (Common to all Series)
2nd Prize (5)	Rs. each (One prize from each Series)
3rd Prize (90)	Rs. 50 each (Eighteen numbers to be drawn applicable to all the Series).

3. All tickets of the 64th Draw sold prior to the day of the Draw shall be included in Mini Draws and shall again be eligible for prizes during the Final Draw to be held on the 10th April, 1975.

4. One ticket shall win only one prize. However, more than one prize will be admissible to a tickets in case of Mini Draws.

5. The procedure of the Draw shall be the same as prescribed for a Regular Draw. The Mini Draws will be held in the presence of Judges.

The 18th March, 1975

No. DOL/HR/75/3841.—The Governor of Haryana is pleased to make the following Rules further to amend the Rules for Agency of Haryana State Lotteries published,—vide notification No. FD/DOL/68-ST(1—3), dated the 4th September, 1968 as amended from time to time namely :

1. These Rules may be called the Rules for Agency of Haryana State Lotteries (Amendment Rules).
2. For Rules 7(a) of the Rules for Agency of Haryana State Lotteries, the following Rules shall be substituted namely :

7(a) The Additional Commission to the Agent in a Draw shall be allowed on the face value of tickets as under :—

(i) For purchase of 50,000 tickets or above : 1 %

(ii) For purchase of 100,000 tickets or above : 3 %

No. DOL/HR/75/3848.—The Governor of Haryana is pleased to select the following persons as Judges for the supervision of the 1st Mini Draw to be held on Wednesday, the 19th March, 1975.

1. Shri N. C. Vashishat, HCS., Land Acquisition Officer, U. T. Administration, Chandigarh.
2. Dr. G. Rai Aggarwal, Dental Surgeon, Health Centre, Sector-22, Chandigarh.
3. Shri B. N. Sharma, Manager, Bank of Baroda, Chandigarh.
4. Mrs. Goel, w/o Shri L. M. Goel, IAS., Secretary to Governor, Haryana, Chandigarh.
5. Mrs. Sinha, w/o Shri A. K. Sinha, IAS., Managing Director, Haryana Minerals Ltd., Haryana Matches Ltd., Haryana Land Reclamation and Development Corporation Ltd., and Haryana Seeds Development Corporation Ltd., Chandigarh.

H. K. JAIN, I.A.S.,
Director of Lotteries & Deputy
Secretary to Government, Haryana,
Finance Department,

LABOUR DEPARTMENT

The 6th March, 1975

No. 1387-Lab-74/6670.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the Management of M/s Oriental Industries, Mathura Road, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 56 of 1972

between

SHRI RATTAN LAL AND THE MANAGEMENT OF M/S ORIENTAL INDUSTRIES,
MATHURA ROAD, FARIDABAD

Present.—

Shri R.C. Sharma for the management.

Nemo for the workman.

AWARD

Shri Rattan Lal, workman concerned was in the service of Messrs Oriental Industries, Mathura Road, Faridabad as a Helper since 21st January, 1968. The management allegedly terminated his services on 3rd November, 1971 without any rhyme or reason. He demanded reinstatement but without success. He then gave the demand notice dated 10th November, 1971 which forms part of the present reference, whereupon conciliation proceedings were started which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this court,—*vide* order No. ID/FD/283-B-71/4602, dated 9th February, 1972, with the following term of reference :—

“Whether the termination of services of Shri Rattan Lal was justified and in order ? If not, to what relief is he entitled ?”

The parties put in their respective pleadings. The management contested the claim of the workman mainly on the ground that it was a case of self-abandonment of service due to the unauthorised absence from duty of the workman. The following two issues were framed :—

- (1) Whether it is a case of self-abandonment of service by the workman due to absence from duty without proper authorisation resulting into loss of lien as alleged by the management ?
- (2) Whether the termination of services of Shri Rattan Lal was justified and in order ? If not, to what relief is he entitled ?

The management has examined one witness Shri Dalip Singh Gill, Administrative Officer of the Company and reliance has been placed upon five documents including leave application of the workman dated 22nd October, 1971 for one day Ex. M.1, extract from the relevant entry in the attendance register Ex. M.2, voucher for payment of Rs 10 Ex. M.3, letter written to him intimating that his name had been struck off the rolls due to his absence from duty without leave Ex. M.4 and copy of the Certified Standing Orders of the Company Ex. M.5.

According to Shri Dalip Singh Gill this workman had remained absent from duty, without any proper authorisation from 23rd October, 1971 to 4th November, 1971 and his name was, therefore, struck off the rolls, as per the Standing Orders.

The workman concerned has not led any evidence in rebuttal. He has further elected not to appear in person or through authorised representative to pursue his claim.

I have heard the learned representative of the management and given a careful consideration to the material on record. As stated by Shri Dalip Singh Gill, Administrative Officer of the Company, the present workman had taken leave only for one day on 22nd October, 1971 which was duly sanctioned but thereafter he had not reported for duty nor had he applied for the extension of the leave. At the relevant time this company had no Certified Standing Orders and as such the service conditions of the workman were governed by the Model Standing Orders. The management waited for more than 10 days and when the workman did not report for duty his name was struck off the rolls on 5th November, 1971. and intimation was given to him—*vide* letter dated 8th November, 1971 Copy Exhibit M.4. In the mean time the Standing Orders of the Company have been certified and a copy thereof has been produced on record as Ex. M.5. The relevant clause 15(4) of these orders may usefully be reproduced as under :—

“If the workman remains absent without sanctioned leave or beyond the period of leave originally granted or subsequently extended he shall lose his lien on his appointment unless (i) he returns within 10 days of the commencement of the absence or the expiry of the leave and (b) explain to the satisfaction of the Manager the reasons of his absence or his inability to return on the expiry of the leave, as the case may be.”

So, taking into consideration all the facts and the circumstances of the case, I am of the considered view that it is a case of self abandonment of service by the workman concerned. His services, infact, automatically stood terminated when he remained absent from duty for more than 10 days consecutively without any proper authorisation and did not submit any explanation to the satisfaction of the management for this continuous absence within the prescribed period. In the circumstances, the question of the termination of his services by the management or its justification does not arise for determination in the case.

This being a case of self-abandonment of service by the workman without any action on the part of the management, no industrial dispute, in fact, existed between the parties which could validly be referred for adjudication and even otherwise the workman is not entitled to any relief. Issues Nos. 1 and 2 which are

interconnected are decided against him and the award is made accordingly holding that he is not entitled to the relief of reinstatement or payment of back wages asked for. There shall, however, be no order as to costs.

Dated the 21st January, 1975.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 224, dated 28th January, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1259-4Lab-74/6680.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Hyderabad Asbestos Cement Products Ltd., Ballabgarh.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 55 of 1974

between

SHRI MANGU SINGH WORKMAN AND THE MANAGEMENT OF M/S HYDERABAD ASBESTOS
CEMENT PRODUCTS LIMITED, BALLABGARH

Present :

Shri Raghbir Singh and Ram Murti, for the workman.

Shri S. N. Bhandari and Shri O. P. Sethi, for the management.

AWARD

Shri Mangu Singh concerned workman was in the service of M/s Hyderabad Asbestos Cement Products Limited, Ballabgarh, as a Fitter, having joined on 10th January, 1970 at Rs 199 per mensem. According to him, he was on medical leave from 14th January, 1974 to 17th January, 1974 but when he reported for duty on 18th January, 1974 along with the fitness certificate he was told by the management that his services had been terminated. It has further been alleged that he was an active member of the trade union. He gave the demand notice on 21st January, 1974 asking the management to reinstate him with continuity of his previous service and payment of full back dues but without any satisfactory response. The matter was taken up for conciliation which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, referred the dispute for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—vide Order No. ID/FD/74/11147, dated 1st May, 1974 with the following terms of reference :—

Whether the termination of services of Shri Mangu Singh was justified and in order ? If not, to what relief is he entitled ?

The parties put in their respective pleadings. Shri Mangu Singh, workman concerned reiterated his claim for reinstatement with the above allegations contending that his services had been illegally terminated on 18th January, 1974 when he was getting Rs 326 per mensem as his wages.

The management contested his claim on merits as well as on some legal grounds. It was urged in the written statement that as a matter of fact this workman had remained absent from duty from 7th January, 1974 onwards, without any proper authorisation, and his name was therefore struck off the rolls on 19th January, 1974 in terms of clause 26(e) of the Certified Standing Orders of the Company which were applicable to him. According to the management, it was a case of automatic termination of the services of the workman for the aforesaid reason and as such no industrial dispute existed between the parties and the reference itself was bad in

law. It was further stated that the statement of claim filed in the case was not in order. From the pleadings of the parties the following issues arose for determination in the case :—

- (1) Whether the present reference is bad in law for the reasons given in the preliminary objections Nos. 1 to 3 of the written statement of the management ? (on management).
- (2) Whether the statement of claim filed on behalf of the workman concerned is not in conformity with rule 10(b) of the Industrial Disputes (Central Rules, 1957)? If so, with what effect (on management).
- (3) Whether the termination of services of Shri Mangu Singh was justified and in order ? If not, to what relief is he entitled ?

The management has examined one witness Shri V. N. Dhawan, Incharge Time Office, who has proved 7 documents, namely, leave application, dated 5th January, 1974 of Shri Mangu Singh for 3 days from 7th January, 1974 to 9th January, 1974 Exhibit M-1 which was disallowed, his attendance card showing him absent from duty from 7th January, 1974 to 18th January, 1974 Exhibit M-2, Extract from the relevant entries in the attendance register Exhibit M-3, Extract from the leave record of Shri Mangu Singh, Exhibit M-4, Caution Memos, dated 14th June, 1973, 13th October, 1973 and 8th November, 1973 issued to him by the management Exhibit M-5, M-6 and M-7 respectively. A copy of the Certified Standing Orders of the Company Exhibit M-8 has also been placed on record. Shri Dhawan has sworn testimony to the fact that Shri Mangu Singh had remained absent from duty without any leave or proper authorisation from 7th January, 1974 till 18th January, 1974.

On the other hand, Shri Mangu Singh workman concerned has made his own statement that he had proceeded on leave from 7th January, 1974 to 9th January, 1974 on account of illness of his mother and that he had himself been taken ill at his native place Bijnore from where he had sent the application asking for the extension of his leave till 17th January, 1974, under the Certificate of posting. He has referred to the counter-foil of his leave application Exhibit W-1, Certificate of posting Exhibit W-2, Medical Certificate Exhibit W-3 and the demand notice Exhibit W-4 which forms part of the present reference. He has further stated that he had tried to form a union of the workers in the factory and the management was displeased with him for this reason. In cross-examination he has admitted that the leave applied for was not due and that in the leave application of which counter-foil is Exhibit W-1 he had simply mentioned that he wanted to go home. He has not admitted that there were any Certified Standing Orders of the Company. He has further stated that he had submitted only one application for the extension of his leave and that he had sent no intimation to the management for the period between 9th January, 1974 to 14th January, 1974 regarding his absence from duty and that the fitness certificate Exhibit W-3 was given to him on 17th January, 1974. He has admitted the warnings given to him by the management on account of his irregular attendance in the past.

The case has been well argued on both sides and I have given due consideration to the facts on record. Issue No. 2 has not been pressed and Issue Nos. 1 and 3, which are more or less inter-related, may conveniently be taken up together. As already observed, the case for the management is that this workman had remained absent from duty from 7th January, 1974 to 18th January, 1974, without any leave or proper authorisation and his services, therefore, stood automatically terminated under clause 26(e) of the Certified Standing Orders of the Company by which he was governed. I have further been contended that this being a case of self abandonment of service by the workman due to his above conduct resulting into the loss of lien held by him, no industrial dispute existed between the parties which could validly be referred for adjudication and for that reason the present reference was bad in law. On the other hand, the workman has contended that, as a matter of fact he was on leave during the period in question and as such the termination of his services by the management which was brought about by way of victimisation due to his union activities was illegal and unjustified. The burden was naturally upon him to establish that he had actually been on leave during the above period but after very carefully scrutinising the entire evidence brought on record on both sides, oral, as well as documentary, I am constrained to observe that he had miserably failed to discharge this burden. He did apply for leave from 7th January, 1974 to 9th January, 1974,—vide his application copy Ex. M-1 which was refused by the management. According to his statement made in the present proceedings, he had proceeded to his native place Bijnore on account of the illness of his mother but no such purpose of the leave applied for has been mentioned in the application. In his statement he has further admitted that the leave applied for was not due and from 9th January, 1974 to 14th January, 1974 he had sent no intimation or application to the management for the extension of his leave on account of his own illness. In the attendance card Exhibit M-2 and in the attendance register extract Exhibit M-3 he has been marked absent from duty during the above period. No copy of the application for extension of the leave has been filed. Reliance has been placed merely on the fitness certificate, dated 17th January, 1974 Exhibit W-3 from a private practitioner. There is nothing on the record to indicate that any other medical certificate had been issued to him by the said private practitioner which is alleged to have been sent along with the application for the extension of the leave which fact has been specifically been denied by the management. In the circumstances, it is not safe to rely upon the type of evidence produced by the present workman to explain his absence from duty during the period in question on account of his alleged illness. There is no corroborative evidence of his bald statement on the point. Moreover, the mere making of a leave application and asking for the extension of the leave by itself was not sufficient. The workman concerned was required to prove conclusively that the leave applied for had been

granted or that he had given reasonable explanation of his absence from duty to the satisfaction of the management as required under the relevant clause 26(e) of the Certified Standing Orders of the Company which may usefully be reproduced as under :—

26(e) "A workman who absents himself without leave for more than seven consecutive working days will be deemed to have left the service of the company without notice thereby abandoning his employment, and in such a case the employment will automatically be terminated and his name shall be struck off the rolls of the Company without any further reference to him".

From the facts discussed above, I am of the considered view that the present workman had actually remained absent from duty for more than 7 consecutive working days, without any leave or proper authorisation, and as such he was deemed to have left the service of the company without notice, thereby losing the lien on the job held by him. His services automatically stood terminated because of his above conduct without any notice on the part of the management. In the circumstances, no industrial dispute existed between the parties and the provision of section 2-A of the Industrial Disputes Act, 1947 under which the demand notice was given by Shri Mangu Singh are not attracted to the facts of the instant case and, for that reason, the reference itself is without jurisdiction and bad in law. He having left the service of the management of his own accord by remaining absent from duty without any proper authorisation, the question of the termination of his services by the management and its justification did not arise.

That disposes of issues Nos. 1 and 3 which on the facts established and for the reasons aforesaid are decided against the workman holding that the reference itself is bad in law and he is not entitled to an relief by way of reinstatement or payment of back dues. The award is made accordingly but without any order as to costs.

O. P. SHARMA,

Dated the 15th January, 1975.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 59, dated 17th January, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated : the 17th January, 1975.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1094-4Lab-74/6684.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the Management of M/s Ameeteep Machine Tools Private Limited, 14/7, Mathura Road, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 40 of 1974

between

SHRI JAGDISH BHATIA WORKMAN AND THE MANAGEMENT OF M/S AMEETEAP MACHINE
TOOLS PRIVATE LIMITED, 14/7, MATHURA ROAD, FARIDABAD

Present:—

Nemo for the workman.

Shri R.N. Rai assisted by Shri B.S. Sapra for the management.

AWARD

Shri Jagdish Bhatia was in the service of M/s Ameeteep Machine Tools Private Limited, 14/7, Mathura Road, Faridabad as a Painter. He gave a demand notice to the Conciliation Officer on 18th December, 1973 that his services were illegally terminated by the management on 14th December, 1973 when he was drawing Rs 216 per month. On receipt of the failure report from the Conciliation Officer, the Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 referred

the dispute for adjudication to this Tribunal, *vide* order No. ID/FD/73/660/7944, dated 26th March, 1974 with the following terms of reference :—

“Whether the termination of services of Shri Jagdish Bhatia was justified and in order ? If not, to what relief is he entitled ?”

The parties put in their respective pleadings. The workman concerned reiterated his demand for reinstatement and payment of back wages as earlier raised through the demand notice which forms part of the present reference with the allegations that his services had been terminated by the management without any justification and in all illegal manner. The management on the other hand has pleaded that as a matter of fact this workman had tendered his resignation on 14th December, 1973 which was duly accepted. It was further pleaded that the demand, the subject-matter of the present reference had not been properly raised first on the management and rejected by it as required by law before taking up the matter for conciliation, and for that reason the reference is bad in law.

The workman was required to file his replication to the above pleadings of the management. He has elected not to appear in person or through authorised representative. Statement of Shri B.S. Sapra, Personnel Officer of the respondent concern has been recorded. He has sworn testimony to the fact that Shri Jagdish Bhatia workman concerned had submitted his resignation on 14th December, 1973 Ex. M-1 which was accepted on the same day and intimation of the acceptance of the resignation was communicated to him, as per registered cover Ex. M-3 which was received back as refused. According to him, a sum of Rs 173.64 was remitted to him by money order which was also received back as refused, *vide* receipt Ex. M-2. The amount is still lying with the management and there is no objection if the workman collected the same on some working days during working hours.

According to Shri B.S. Sapra, the demand the subject matter of the present reference, was not even properly raised first on the management and rejected by it before taking up the matter for conciliation. The law is well settled on the point. As laid down in the of quoted judgment Hon'ble the Supreme Court in Sindhu Re-settlement Corporation case, the demand has first to be raised on the management and rejected by it before taking up the matter for conciliation, or for that matter, before the reference of the dispute, so as to constitute an industrial dispute as defined under section 2(k) of the Industrial Disputes Act, 1947. There is nothing on the record to indicate that this requirement of the law has been satisfied by the present workman.

In view of the above, the workman concerned has no case to make out for his reinstatement or payment of back wages. There is apparently no reason to disbelieve the statement on oath made by Shri B.S. Sapra, Personnel Officer of the management especially when the workman himself is not coming forward to pursue his case. I am, therefore, of the considered view that on the facts established in the case no industrial dispute existed between the parties which could validly be referred for adjudication and otherwise also the workman concerned is not entitled to any relief on account of the resignation voluntarily tendered by him which was duly accepted by the management. He is, however, at liberty to collect his dues amounting to Rs 173.64 which was remitted to him by money order which was received back as refused, on any working day during working hours. The award is made accordingly but without any order as to costs.

Dated the 20th January, 1975.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 71, dated the 21st January, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 21st January, 1975.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

M. SETH,

Commissioner and Secy.